IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8695 OF 2004

M/s.Jai Jagdish Sugar : Petitioner

V/s.

Vasant Dada Patil Sahakari Sakhar

Karkhana Ltd. : Respondent

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Mr.K.K.Tated for the petitioner.

Mr.N.N.Bhadrashete for the respondent.

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CORAM : S.A. BOBDE, J.

September 2, 2005.

P.C.:

1. Mr.Tated for the petitioner states that the application under section 34 of the Arbitration and Conciliation Act, 1996 has been wrongly filed before the Co-operative Court and it ought to have been filed in the principal Civil Court of original jurisdiction. He, therefore, seeks permission to withdraw the said application filed before the Co-operative Court, Nasik, for presentation to the proper Court. Mr.Bhadrashete, the learned counsel for the respondent, has no objection to this.

2. The petitioner is allowed to withdraw the said application and file it before the appropriate Court. This petition is disposed of accordingly. All contentions of the parties are left open.

S.A. BOBDE, J.